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TO

THE PRINCIPAL MATTERS

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Telfair v. *Stead*, 408
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4. It is not a good plea in bar to a bill in equity, for a discovery of assets, that a judgment at law has been recovered against the executor of the debtor.
id. *ib.*
5. It is no cause of demurrer to a bill in equity against an executor seeking a discovery of assets, that the complainant has a right of action at law.
id. 409
6. A creditor may in equity follow the assets of his debtor into the hands of his devisees, legatees and distributees.
id. 410
7. The evidence of the knowledge of the underwriters of the intention of the insured at the time of making the policy, ought to be very clear to justify a court of equity, in conforming the policy to that intention.
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1. A plaintiff may assign for error the want of jurisdiction in that court to which he has chosen to resort.
Capron v. *Van Noorden*, 126
2. A party may take advantage of an error in his favour, if it be an error of the court.
id. *ib.*
3. The citation must accompany the writ of error, or it will be dismissed.
Bailiff v. *Tipping*, 406
4. It is no error that the decree is for *pounds shillings and pence sterling*. *Telfair* v. *Stead*, 414
5. It is no error that the decree does not apportion the amount among those defendants who have assets, unless it appears that the whole assets in the hands of all the defendants are more than sufficient to pay the plaintiff's debt.
id. *ib.*

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1. To induce a presumption of payment from the age of a bond, 20 years must have elapsed exclusive of the period of the plaintiff's disability.
Dunlop & Co. v. *Ball*, 180
2. Foreign laws must be proved as facts. They must be verified by oath, or by some other high authority which the law respects not less than an oath.
Church v. *Hubbart*, 187, 236
3. The certificate of a consul of the U. S. under his seal is not evidence of a foreign law.
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1. An American citizen, residing in a foreign country, may acquire the commercial privileges attached to his *domicil*; and by making himself the subject of a foreign power, he places himself out of the protection of the U. S. while within the territory of the sovereign to whom he has sworn allegiance.
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The defendant cannot *off-set* bad debts made by the misconduct of the plaintiff, in selling the defendant's goods as factor; the plaintiff not having guaranteed those debts: but such misconduct is properly to be inquired into in a suit for that purpose.
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1. Foreign laws must be proved as facts.
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2. The certificate of a consul of the U. S. under his seal, is not evidence of foreign laws.
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Lands of a deceased debtor in Georgia, are liable in equity for his debts without making the heir a party.
Telfair v. *Stead*, 407

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The right of a nation to seize vessels attempting an illicit trade is not confined to their harbours or to the range of their batteries.
Church v. *Hubbart*, 187

INSOLVENT.

1. By the insolvent law of Maryland of 3d January, 1800, the chancellor of Maryland could not discharge an insolvent citizen of Maryland named in that law, and who resided in the district of Columbia at the time of its separation from Maryland, unless the insolvent had complied with all the requisites of the insolvent law, so as to entitle himself to a discharge before the separation.
Reily v. *Lamar, et al.* 344
2. Quere whether an insolvent who has neglected at law to plead his discharge, can avail himself of it in equity? *id.* *ib.*
3. A certificate of discharge under the insolvent act of Maryland of 3d January, 1800, relates back to the date of the deed of trust, and the applicant must show himself to be a citizen of Maryland on that day. *id.* 349
4. In all cases of insolvency of their debtor, the United States are entitled to priority of payment out of his effects.
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The instructions of the president of the United States to a commanding officer of a United States ship of war, if not warranted by law, will not justify the officer.
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1. If the insured make a proposition to the underwriters to cancel a policy, which they reject, and afterwards assent to; but before information of such assent reaches the insured, they hear of the loss of their vessel, such proposition and assent do not in law amount to agreement to cancel the policy.
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4. A detention at sea to save a vessel in distress is such a *deviation* as discharges the underwriters.
Mason v. *Blaireau*, 268, 269
5. A policy in the name of *one joint owner* "as property may appear," (without the clause stating the insurance to be for the benefit of all concerned) does not cover the interest of *another* joint owner.
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6. The interest of a *copartnership* cannot be given in evidence on an averment of *individual* interest, nor will the averment of *copartnership* interest be supported by a special contract relating to the interest of an *individual*.
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7. The evidence of the knowledge the underwriters had of the intention of the insured at the time of making the policy, ought to be very clear to justify a court of equity in conforming the policy to that intention. *id.* *ib.*

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1. The courts of the United States have no jurisdiction between citizens of the United States unless the record expressly states them to be citizens of different states.
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2. A plaintiff may assign for error the want of jurisdiction in that court to which he has chosen to resort.
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Ogden v. *Blackledge*, 272

2. The act of limitations of North-Carolina was suspended as to British creditors during the war.
id. *ib.*

3. The act of congress of 30th of April, 1790, limiting the prosecutions upon penal statutes, extends as well to penalties created *after*, as *before* that act, and to actions of debt for penalties as well as to informations and indictments.
Adams qui tam v. *Woods*, 336

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1. If a vessel in distress is abandoned at sea by the master and all the crew, except one man, who is left either by design or accident, he is discharged from his contract as mariner of that vessel, and entitled to salvage.
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1. It is no error that a decree is for *pounds shillings and pence sterling*.
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2. On a deed made in 1779, of land in Virginia, rendering an annual rent of 26*l. current money forever*, the rents are not to be reduced by the scale of depreciation, but the actual annual value of the land at the date of the contract, in *specie*, or other money equivalent thereto, is to be ascertained by a jury.
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NAVY OF UNITED STATES.

1. If there was no reasonable ground of suspicion that the vessel was trading contrary to law, the commander of the United States ship of war who seizes and sends her in, is liable for damages.
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2. Quere, what degree of arming constitutes an *armed vessel?*
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3. A commanding officer of a ship of war of the United States is not *justified* by the instructions of the president of the United States, if those instructions are not warranted by law; but is answerable in damages to any person injured by his execution of those instructions.
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Quere, whether a person born in the colony of New-Jersey before the revolution, and who resided there until the year 1777, but who then joined the British army in Philadelphia, and afterwards went to England, where he has ever since resided, and who has always claimed to be a British subject, can now take and hold lands in the state of New-Jersey by descent from a citizen of the United States? Whether by the act of the state of N. J. of Oct. 4, 1776, he became a member of the new government against his will?

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5. The report of the assessors appointed by the court of admiralty to assess the damages, ought to state the *principles* on which it is founded, and not a gross sum without explanation.
Murray v. *Charming Betsy*, 64

6. If an appeal is prayed in the court below at the same term in which the decree is rendered, a citation is not necessary.
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